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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

## Application No.

10/776,293

## Applicant(s)

STEWART, BRETT B.

## Examiner

HIEU HOANG

## Art Unit

2452

**Period for Reply**  
-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 5) ☒ Claim(s) 1,2,4-20,25-32,44-46,84-91,127-138,176,177 and 188 is/are pending in the application.
- 5a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 6) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 7) ☒ Claim(s) 1-2, 4-20, 25-32, 44-46, 84-91, 127-138, 176-177, 188 is/are rejected.
- 8) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 9) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-940)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

### **DETAILED ACTION**

1. This office action is in response to the communication filed on 06/29/2011.
2. Claims 1-2, 4-20, 25-32, **44-46**, 84-91, 127-138, 176-177, 188 are pending.

### ***Terminal Disclaimer***

3. The terminal disclaimer filed on 06/29/2011 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of application 11/391,631 has been reviewed and is accepted. The terminal disclaimer has been recorded. Previous double patenting rejection has been withdrawn.

### ***Response to Amendment***

4. The 35 U.S.C. 112, first paragraph rejection of claims 1-2, 4-20, **44-46**, 84-91, 127-138, 176-177, 188 has been withdrawn due to the amendment.
5. The 35 U.S.C. 112, first paragraph rejection of claims 25-32, **45-46** has been maintained (see below).

### ***Response to Arguments***

6. Applicant's arguments on the 35 U.S.C 103 rejection have been fully considered but they are unpersuasive. Applicant argues that the prior art does not teach or render obvious "promotions offered by a business." Examiner respectfully disagrees. The dictionary defines promotions as **advertising** or **publicity** of services (drawing of public attention to the service) (see applicant's remarks on definition of "promotion" on page 15

of the Remarks). It is respectfully submitted that the information such as services in fig. 3 of Muffat qualifies as a message that is relates to a business promoting goods or services of the business because it promotes the user to use the services by introducing the user to the services at the geographic location.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 25-32, 45-46 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. There is no specification support for "the second content comprises a message **from** a second business" in claim 25 and similar limitations in claim 30. The specification at best on page 14 describes providing the user with the promotions information of a business.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**10. Claims 1-2, 4-6, 9-10, 44, 188, 25-30, 32, 45-46, 84-91, 176-177 are rejected under 35 U.S.C. 103(a) as being unpatentable over Singer et al. (US 5,485,163, hereafter Singer) in view of Muffat et al. (European Cooperation on Dual Mode Route Guidance-Perspectives for Advanced Research Partners, hereafter Muffat, cited in IDS).**

11. For claim 1, Singer discloses a method for providing geographic-based information, the method comprising:

determining a geographic location of a computing device coupled to a network managed by a service provider via an access point (col. 4 l. 19-22, location of the base station BTS or access point is forwarded to the HLR—home location register; col. 3 l. 5-9, cellular service comprising many BTS);

receiving identification information indicating a user of the computing device (fig. 2 step 54, col. 3 lines 1-5, subscriber has identification and device identifier);

transmitting, via the network and access point, content information to another computing device, wherein the content comprises a customized message based on the geographic location of the computing device and wherein the message is selected based on the identification information (fig. 2 step 72, HLR sends back formatted information (col. 2 lines 39-42) based on the location information to a subscriber's device, via the access point).

Singer does not disclose that the two devices are one combination or can be used as a combination on one user.

However, it would have been obvious for one skilled in the art at the time of the invention to modify the teachings of Singer to incorporate the two devices or use two devices on one user/wearer in order to provide location services to the PLU wearer so that the user can use both functionalities of the PLU and the receiving device to track his own location and/or receive location-based information.

Singer does not disclose: determining third party information of a third party that is dependent on the geographic location of the computing device, wherein the third party is not the service provider or the user; the message is a customized message that provides information about promotions offered by a business related to the geographic location of the computing device, the message is selected based on the third party information, wherein the business is not the service provider or the user.

Muffat discloses determining third party information of a third party that is dependent on the geographic location of the computing device, wherein the third party is not the service provider or the user; the message is a customized message that provides information about promotions offered by a business related to the geographic location of the computing device, wherein the business is not the service provider or the user (p. 930, left col., route computation using infrastructure side; fig. 3, page 934, left column, information services such as promotions of hotels, garages, gas stations, pharmacies... sent to user mobile device).

It would have been obvious for one skilled in the art at the time of the invention to apply Muffat's teachings of navigation and location-based services to Singer's teachings of location reporting. The motivation would be to provide navigation service and information services that are useful and mostly related to the user's location to the user.

12. Claims 11, 84, 127 are rejected for the same rationale as in claim 1.

13. For claim 25, Singer discloses a geographic-based information system, comprising: a network managed by a service provider (col. 3 l. 5-9, cellular service comprising many BTS); one or more information providers coupled to the network; one or more access points coupled to the network and arranged at geographic locations in a geographic region, wherein a first access point of the one or more access points in proximity to a plurality of computing devices is operable to communicate with the plurality of computing devices (fig. 1, BTS 20 is an access point at location of the user

device) wherein a geographic location of the first access point is transmitted to at least one information provider of the one or more information providers; wherein the at least one information provider selects first information and second information to provide to at least two computing devices of the plurality of computing devices, wherein a first content of the first information is based on the geographic location of the first access point, and wherein the first content comprises a customized message based on the geographic location of the computing device, and a second content of the second information is based on the geographic location of the first access point and wherein the second content comprises a message from a second business relating to the geographic location of the second access point, wherein the first content is different from the second content (fig. 2 step 72, HLR sends back customized formatted information (col. 2 lines 39-42) based on the location information of a corresponding user to a corresponding user's device via a corresponding access point).

wherein the first information and the second information are provided through the network and via the first access point to the at least two computing devices (fig. 2, col. 3, l. 1-42, col. 4, l. 19-46, providing customized location messages to user devices based on different user locations related to access points of a cellular network, different user devices are supported).

Singer does not disclose: the at least one information provider determines third party information of a third party that is dependent on the geographic location of the computing device, wherein the third party is not the service provider or the user;



the first information is based on the third party information, wherein the customized message provides information about promotions offered by a first business related to the geographic location of the first access point; the second information is based on the third party information and wherein the second content comprises a message from a second business relating to the geographic location of the second access point.

Muffat discloses: third party information of a third party that is dependent on the geographic location of the computing device, wherein the third party is not the service provider or the user (fig. 3, page 934, left column, services such as hotels, garage... at user location, not the network provider); the first information is based on the third party information, and wherein the first content comprises a message from a first business relating to the geographic location of the first access point (fig. 3, page 934, left column, services such as hotels, garage... at user location, not the network provider); wherein the customized message provides information about promotions offered by a first business related to the geographic location of the first access point, the second information is based on the third party information and wherein the second content comprises a message from a second business relating to the geographic location of the second access point (p. 930, left col., route computation using infrastructure side; fig. 3, page 934, left column, information services such as promotions of hotels, garages, gas stations, pharmacies... sent to mobile devices, fig. 2, messages to different devices).

It would have been obvious for one skilled in the art at the time of the invention to apply Muffat's teachings of navigation and location-based services to Singer's teachings

of location reporting. The motivation would be to provide navigation service and information services that are useful and mostly related to the user's location to the user.

14. For claim 30, Singer discloses method of providing a geographic-based information in a geographic-based communication system managed by a service provider, wherein the geographic-based communication system uses a geographic location of a first access point of one or more access points to service one or more users in a vicinity of the first access point, the method comprising:

establishing a first wireless communication link between a first computing device and the first access point (fig. 2, step 52, user connection to network access point); identifying a first user of the first computing device in response to said establishing the first wireless communication link (fig. 2 step 54, user identification); establishing a second wireless communication link between a second computing device and the first access point (fig. 2, step 52, user connection to network access point, multiple users are supported since each user has a personal identification); identifying a second user of the second computing device in response to said establishing the second wireless communication link (fig. 2 step 54, user identification); determining the geographic location of the first access point (fig. 2, step 68-70, find location of access point); providing the geographic location of the first access point to an information provider (fig. 2, step 70, forwarding location to HLR);

transmitting first information from the information provider to the first computing device via the first access point (fig. 2, step 72, sending formatted location information

to the user device via access point), wherein a first content of the first information is dependent upon the geographic location of the first access point, and said identifying the first user (fig. 2, step 72, sending formatted location information to the user device based on access point location and user ID); and

transmitting second information from the information provider to the second computing device via the first access point (fig. 2, step 72, sending formatted location information to the user device via access point), wherein a second content of the second information is dependent upon the geographic location of the first access point (fig. 2, step 72, sending formatted location information to the user device based on access point location and user ID), wherein the second content is different from the first content (fig.2, steps 52-54, different users have different location content).

Singer does not disclose:

the first content is dependent on third party information of a third party that is dependent upon the geographic location of the first access point; wherein the third party is not the service provider or the first user; wherein the first content comprises a message to the first user from a first business relating to the geographic location of the first computing device; and

the second content is dependent on third party information of a third party that is dependent upon the geographic location of the first access point, wherein the third party is not the service provider or the second user; wherein the second content comprises a customized message based on the geographic location of the computing device,

wherein the customized message provides information related to the geographic location of the computing device.

Muffat discloses: the first content is dependent on third party information of a third party that is dependent upon the geographic location of the first access point; wherein the third party is not the service provider or the first user (fig. 3, page 934, left column, services such as hotels, garage... at user location, not the network provider); wherein the first content comprises a message to the first user from a first business relating to the geographic location of the first computing device (fig. 3, page 934, left column, information services such as promotions of hotels, garages, gas stations, pharmacies... at the user location sent to mobile devices); and the second content is dependent on third party information of a third party that is dependent upon the geographic location of the first access point, wherein the third party is not the service provider or the second user (fig. 3, page 934, left column, services such as hotels, garage... at user location, not the network provider); wherein the second content comprises a customized message based on the geographic location of the computing device, wherein the customized message provides information related to the geographic location of the computing device (p. 930, left col., route computation using infrastructure side; fig. 3, page 934, left column, information services such as promotions of hotels, garages, gas stations, pharmacies... sent to mobile devices, fig. 2, messages to different devices).

It would have been obvious for one skilled in the art at the time of the invention to apply Muffat's teachings of navigation and location-based services to Singer's teachings

of location reporting. The motivation would be to provide navigation service and information services that are useful and mostly related to the user's location to the user.

15. For claim 2, Singer-Muffat further discloses the content includes weather information (Muffat, page 934, hazard warning).

16. For claim 188, Singer-Muffat further discloses the content is further dependent upon demographic information of the user of the computing device (Singer, col. 3 l. 32-42).

17. For claim 4, Singer-Muffat further discloses the demographic information indicates the content is desired by the user (Singer, col. 3 l. 32-42).

18. For claim 5, Singer-Muffat further discloses the computing device transmitting the identification information indicating the user of the computing device (Singer, fig. 2, steps 52-56).

19. For claim 6, Singer-Muffat further discloses said determining the geographic location comprises receiving information regarding a geographic location of the access point (Singer, fig. 2, step 68).

20. For claim 9, Singer-Muffat further discloses the geographic location of the access point is determined by its proximity to another geographic location (Singer, col. 3 l. 40-42).

21. For claim 10, Singer-Muffat further discloses the computing device is a portable computing device (Singer, fig. 1, mobile phone).

22. For claim 44, Singer-Muffat further discloses receiving a destination; wherein the content indicates a route from the geographic location of the computing device to the destination (Muffat, p. 934, left col., route guidance).

23. For claim 26, Singer-Muffat further discloses a memory coupled to the network which comprises geographic location information comprising geographic locations of each of at least a subset of the one or more access points (Singer, col. 4 l. 25-32, lookup table).

24. For claims 27, 89, 90, Singer-Muffat further discloses a memory coupled to the network which comprises geographic location information comprising a local map of an area of each of at least a subset of the one or more access points (Singer, col. 4 l. 25-32, Muffat, fig. 3, map).

25. For claims 28, 91, Singer-Muffat further discloses the network includes one or more of a local area network and a wide area network (Singer, fig. 1, Muffat fig. 2).

26. For claims 29, 32, 85, the claims are rejected for the same rationale as in claim 10.

27. For claims 45, 86, the claims are rejected for the same rationale as in claim 2.

28. For claim 46, Singer-Muffat further discloses wherein said establishing said first wireless communication link includes identifying a user of the first computing device; wherein the content is dependent upon said identifying the user (Singer, fig. 2, steps 52-56).

29. For claim 87, Singer-Muffat further discloses the information comprises travel information (Muffat, fig. 3, route).
30. For claim 88, Singer-Muffat further discloses the information comprises a nearest location of a service provider relative to the at least one of the one or more access points (Muffat, fig. 3, closest parking).
31. For claim 176, Singer-Muffat further discloses at least a portion of the content is capable of being displayed to a user of the computing device (Singer, col. 3 l. 32-42).
32. For claim 177, Singer-Muffat further discloses the computing device is a portable computing device configured to be readily carried by a user (Singer, fig. 1, portable PLU and phone).
33. For claim 12, Singer-Muffat further discloses the information provider is further configured to receive, from the computing device, identification information indicating the user of the computing device (Singer, fig. 2, step 54).
34. For claim 13, Singer-Muffat further discloses the content is further dependent upon profile information of the user of the computing device (Singer, fig. 2, step 54).
35. For claim 14, Singer-Muffat further discloses the system further comprising: the network (Singer, fig. 1).

36. For claim 15, Singer-Muffat further discloses a memory coupled to the network, wherein the memory includes the geographic location of the first access point (Singer, col. 4 l. 19-32).

37. Claims 16-20 are rejected for the same rationale as in claims 2, 44, 5, 9, 10 respectively.

38. Claims 85-87 are rejected for the same rationale as in claims 10, 2, 44 respectively.

39. For claim 88, Singer-Muffat further discloses at least one of the plurality of contents includes a nearest location of a service provider relative to the geographic location of the first access point (Muffat, fig. 3).

40. For claim 89, Singer-Muffat further discloses a memory coupled to the network which comprises geographic location information comprising a local map of an area of each of at least a subset of the one or more access points (Muffat, fig. 3).

41. For claim 90, Singer-Muffat further discloses a memory coupled to the network which comprises geographic location information comprising geographic locations of each of at least a subset of the one or more access points (Muffat, fig. 3).



42. For claim 91, Singer-Muffat further discloses wherein the network includes one or more of a local area network and a wide area network (Singer, fig. 1).

**43. Claims 7, 8, 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Singer in view of Muffat, further in view of Labedz et al (US 5,608,854, hereafter Labedz).**

44. For claim 7, Singer-Muffat further discloses the geographic location of the access point is determined by accessing a database, wherein the database comprises information including the geographic location of the access point (Singer, col. 4 l. 25-32, lookup table). Singer-Muffat does not disclose a MIB. However, Labedz discloses a MIB in cellular networks for storing information (col. 3 l. 49-60). It would have been obvious to one skilled in the art at the time of the invention was made to apply Labedz's MIB to the teachings of Singer-Muffat. The motivation would be to take advantage of a MIB being a known and standardized database management solution.

45. For claim 8, Singer-Muffat-Labedz further discloses the access point comprises a portion of the MIB, wherein the portion comprises information including the geographic location of the access point (Singer, col. 4 l. 25-32, lookup table).

46. Claim 31 is rejected for the same rationale as in claim 7.

***Conclusion***

47. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

48. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hieu Hoang whose telephone number is 571-270-1253. The examiner can normally be reached on Monday-Thursday, 8 a.m.-5 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thu Nguyen can be reached on 571-272-6967. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HIEU HOANG/

Examiner, Art Unit 2452